High Court Hears Post Case

Bureau of Prisons Revising Interview Policies

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Just days before the issue was to be argued in the Supreme Court, the Bureau of Prisons disclosed to the court that it was revising its policy on interviews of federal inmates.

The court heard arguments yesterday in a case brought by The Washington Post and one of its former editors and writers, Ben Bagdikian, against Attorney General William B. Saxbe in an effort to gain access to selected prisoners who had been on a negotiating committee at Lewisburg and Danbury prisons.

In a letter to the clerk of the Supreme Court on Friday, Solicitor General Robert H. Bork, who argued the case for the government yesterday, said the Bureau of Prisons had modified its total ban on press interviews at federal prison institutions that can be characterized as minimum security."

The letter, which was also sent to Washington Post attorney Joseph A. Califano of Williams, Connolly & Califano went on:

"The revised policy statement (by the Bureau of Prisons) will permit press interviews subject to reasonable regulations as to place, time and number. The new rule affects approximately 5,800 inmates or slightly less than one-fourth of the inmate population."

Bork opened his argument yesterday emphasizing this change of policy to the court, saying the prisons' no-interview policy is now limited to maximum and medium security institutions. "All others will allow press interviews" on the basis of individual decisions by the wardens, Bork said.

Bork stressed that the issue in the Post case was not one of right to publish, but rather of the right to access to a news source.

Califano, arguing the case for the Post, agreed, but said that the First Amendment applies to the right of access to news sources as well as the right to publish.

Califano told the court that he had not been informed of the shift by the Bureau of Prisons on the prison interview ban until Friday, and as late as Monday the solicitor general's office was revising that policy.

Califano also emphasized after the argument before the justices that the Bureau of Prisons has not in fact changed its regulations, but has only announced an intention to do so.

He added that originally the policy change was to affect only 13 institutions which did not come under the definition of "maximum and medium security." He said that on Monday Bork informed him that the number of institutions would be 20, affecting 25 per cent of the prisoners—that is, 17,500 of the 23,000 federal inmates will still be subject to the ban on interviews.